

Department of Agriculture

425.901

Subpart 425.9—Additional Foreign Acquisition Clauses

425.901 Omission of audit clause.

Subpart 425.10—Implementation of Sanctions Against Countries That Discriminate Against United States Products or Services in Government Procurement

425.1002 Trade sanctions.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

Subpart 425.1—Buy American Act—Supplies

425.102 Policy.

The Senior Procurement Executive (SPE) shall make the determination prescribed in FAR 25.102(a)(3).

425.105 Evaluating offers.

The SPE shall make the determinations prescribed in FAR 25.105. Requests for SPE approval shall be submitted by the HCA, in writing, and shall provide a detailed justification supporting why the proposed award is in the best interest of the Government.

425.108 Excepted articles, materials, and supplies.

(a) Copies of determinations of non-availability in accordance with FAR 25.102(a)(4) or 25.202(a)(3), for articles, material or supplies not listed in FAR 25.108, shall be submitted to the SPE for submission to the FAR Council.

(b) Information required by FAR 25.108(c) shall be submitted to the SPE for submission to the FAR Council.

Subpart 425.2—Buy American Act—Construction Materials

425.202 Policy.

The SPE shall make the determination prescribed in FAR 25.202(a)(2).

425.203 Evaluating offers.

(a) The SPE may determine that the use of a particular domestic construction material would be impracticable

or would unreasonably increase the cost of the contract.

(b) If a contracting officer proposes that the use of a particular domestic construction material should be waived for a contract, the contracting officer shall submit the proposed award and the information prescribed in FAR 25.203(b) through the HCA to the SPE for approval or disapproval.

425.204 Violations.

Contracting officers shall, in accordance with the debarment procedures prescribed in 409.4, refer all violations of FAR clause 52.225-5, Buy American Act—Construction Material, to the Department Debarment Officer for possible debarment action.

Subpart 425.3—Balance of Payments Program

425.302 Policy.

The HCA shall make the determinations prescribed in FAR 25.302(b)(2) and (3) and may authorize differentials greater than 50 percent as prescribed in FAR 25.302(c).

425.304 Excess and near-excess foreign currencies.

HCA's shall make the determinations as to the feasibility of using excess or near-excess currency.

Subpart 425.4—Trade Agreements

425.402 Policy.

Whenever the U.S. Trade Representative publishes a redetermination of the dollar threshold at which the Trade Agreements Act applies, that dollar threshold will be published in a Departmental Notice, 5025 series.

Subpart 425.9—Additional Foreign Acquisition Clauses

425.901 Omission of audit clause.

The SPE shall make the determination under FAR 25.901(c)(1).